

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES E. MCDONALD, JR.,

Case No. 2:19-cv-00192-RFB-EJY

Plaintiff

ORDER

v.

D. PRATER, *et al.*,

Defendant

On May 18, 2021, this Court issued an order directing Plaintiff to file an amended Notice of Change of Address by Friday, June 4, 2021 and that failure to do so may result in Plaintiff's action being dismissed without prejudice.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with

1 local rules).

2 In determining whether to dismiss an action for lack of prosecution, failure to obey
3 a court order, or failure to comply with local rules, the court must consider several factors:
4 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
7 See Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at
8 130; Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

9 Here, the Court finds that the first two factors, the public's interest in expeditiously
10 resolving this litigation and the Court's interest in managing the docket, weigh in favor of
11 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
12 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay
13 in filing a pleading ordered by the court or prosecuting an action. See Anderson v. Air
14 West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring
15 disposition of cases on their merits—is greatly outweighed by the factors in favor of
16 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
17 the court's order will result in dismissal satisfies the "consideration of alternatives"
18 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 F.2d at 132-33; Henderson, 779
19 F.2d at 1424.

20 The Court's order required Plaintiff to file an amended Notice of Change of Address
21 by Friday, June 4, 2021, or Plaintiff's action may be dismissed without prejudice. ECF No.
22 24. This order was one of several court orders for Plaintiff to update his contact
23 information. ECF Nos. 19, 21, 26. Thus, Plaintiff had adequate warning that dismissal
24 would result from noncompliance with the Court's order to file an amended Notice of
25 Change of Address by Friday, June 4, 2021.

26 IT IS THEREFORE ORDERED that this action is dismissed without prejudice
27 based on Plaintiff's failure to file an amended Notice of Change of Address in compliance
28 with this Court's order dated May 18, 2021. (ECF No. 3).

1 IT IS FURTHER ORDERED that the Plaintiff may move to reopen this case and
2 vacate the judgment by filing a motion for reconsideration of this order. In this motion, the
3 Plaintiff would need to explain that circumstances which led to him not being able to
4 update his address as directed by the Court. If the Court finds there is good cause or a
5 reasonable explanation for the failure to update the address, the Court will reopen the
6 case and vacate the judgment.

7 IT IS FURTHER ORDERED that the Clerk of Court will close the case and enter
8 judgment accordingly. No other documents may be filed in this now-closed case.

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10 DATED: July 13, 2021.



11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE

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